

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

COURTLAND DEWAYNE LINDSAY

v.

CITY OF TYLER

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CIVIL ACTION NO. 6:13cv695

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (Docket No. 13) recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted pursuant to FED. R. CIV. P. 12(b)(1) and (6) and 28 U.S.C. § 1915(e)(2). The Report and Recommendation further recommends that Plaintiff be warned that any further filings that fail to state an appropriate basis for federal jurisdiction, or that fail to state a claim upon which relief may be granted, may result in the denial of his motion to proceed *in forma pauperis* and the imposition of a monetary sanction.

An acknowledgment of receipt card received by the Court reveals that the Report and Recommendation was received at the address provided by Plaintiff in this case on or before March 17, 2014. No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted pursuant to FED. R. CIV. P. 12(b)(1) and (6) and 28 U.S.C. § 1915(e)(2). Plaintiff is **WARNED** that any further filings that fail to state an appropriate basis for federal jurisdiction, or that fail to state a claim upon which relief may be granted, may result in the denial of his motion to proceed *in forma pauperis* and the imposition of a monetary sanction, such that Plaintiff will be prohibited from filing any new lawsuits until the sanction is paid in full.

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 14th day of April, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE